

DEPARTMENT OF THE NAVY  
Office of the Chief of Naval Operations  
Washington, DC 20350

OPNAVINST 1640.9

Pers-84

17 April 1992

OPNAV INSTRUCTION 1640.9

**From:** Chief of Naval Operations  
**To:** All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

**Subj:** GUIDE FOR THE ADMINISTRATION OF DETENTION FACILITIES

**Ref:** (a) SECNAVINST 1640.9A  
(b) MIL-HDBK 1037/4 (NOTAL)  
(c) Manual for Courts-Martial, 1984  
(d) National Fire Protection Association (NFPA) 101 Life Safety Code 1980 (NOTAL)

**Encl:** (1) Pretrial Confinement Facilities Operations  
(2) Detention Spaces and Holding Cell Operations

**1. Purpose.** To provide direction and guidance for the standardized operation of Naval detention facilities. This instruction and references (a), (b), (c) and (d) are applicable to the operation of these facilities.

**2. Definitions.** As used in this document, the following definitions apply.

**a. Detention.** The temporary holding in custody of persons pending the decision to officially charge them with a criminal offense.

**b. Pretrial Confinement.** The temporary holding in custody of persons, who have been officially charged with a criminal offense, prior to disposition by a court.

**c. Detention Facility.** A generic term that includes pretrial confinement facilities, detention spaces, and holding cells, all of which are defined as follows.

**(1) Pretrial Confinement Facility.**

A detention facility used for detention, pretrial confinement, and, as a matter of necessity in some cases, post-trial confinement up to 30 days.

**(2) Detention Space.** A detention facility used for detention not to exceed 8 hours, and may be a cell, room, or other berthing space of the shore establishment.

**(3) Holding Cell.** A detention facility used for detention not to exceed 24 hours during the work week, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend. This limitation may be extended on a case-by-case basis for up to 30 days by the Chief of Naval Personnel (CHNAVPERS) (Pers-84).

**3. Discussion**

**a.** This instruction is provided to clarify the requirements of reference (a) as they apply to detention facilities. With the exception of the clarifications in this instruction, the articles in reference (a) apply to detention facilities. CHNAVPERS (Pers-84) will establish programs and staffing guidance separately.

**b.** A pretrial confinement facility shall be inspected by the CHNAVPERS (Pers-84) and approved by the Secretary of the Navy (SECNAV) as a naval place of confinement. When approved by SECNAV as a naval place of confinement, a pretrial confinement facility may be used for detention, pretrial confinement and, as a matter of necessity in some cases, post-trial confinement up to 30 days.

**4. Status of Forces Agreement (SOFA).**

Personnel being held for foreign court jurisdiction at remote overseas activities may also be confined in detention facilities approved by CHNAVPERS for periods specified by the SOFA.



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**5. Action.** Commanding officers operating a detention facility shall ensure that all applicable provisions of references (a), (b), (c), (d) and this instruction are followed. Copies of local procedures for pretrial confinement facilities shall be forwarded to CHNAVPERS (Pers-84). Recommendations for improvements to this instruction should be forwarded via the chain of command to CHNAVPERS (Pers-84).

**6. Forms.** The following forms are available in the Navy Supply System using requisitioning procedures contained in NAVSUP P-2002, Navy Stock List of Publications and Forms:

DD Form 367 (DEC 57), Prisoner's Release Order, S/N 0102-LF-000-3670

DD Form 473 (JUL 89), Official Records Envelope, S/N 0102-LF-011-0800

DD Form 504 (APR 76), Request and Receipt for Health and Comfort Supplies, S/N 0102-LF-000-5041

DD Form 509 (JUL 70), Inspection Record of Prisoner in Segregation, S/N 0102-LF-005-2500

DD Form 629 (MAR 58), Receipt for Prisoner or Detained Person, S/N 0102-LF-000-6290

NAVPERS 1626/7 (Rev. 8-81), Report and Disposition of Offense(s), S/N 0106-LF-005-2700

NAVPERS 1640/4 (Rev. 7-82), Confinement Order, S/N 0106-LF-016-4023

NAVPERS 1640/5 (Rev. 3-81), Disciplinary Action Data Card, S/N 0106-LF-016-4026

NAVPERS 1640/8 (Rev. 4-78), Conduct Record, S/N 0106-LF-016-4040

NAVPERS 1640/9 (Rev. 2-82), Disciplinary Report, S/N 0106-LF-016-4047

NAVPERS 1640/10 (Rev. 11-86), Work and Training Report, S/N 0106-LF-016-4052

NAVPERS 1640/12 (Rev. 4-81), Daily Report of Prisoners Received and Released, S/N 0106-LF-016-4060

NAVPERS 1640/13 (Rev. 6-81), Prisoner/Awardee Evaluation Report, S/N 0106-LF-016-4065

NAVPERS 1640/16 (Rev. 7-78), Prisoner Identification Badge, S/N 0106-LF-016-4080

NAVPERS 1640/17 (Rev. 4-81), Inventory and Receipt of Valuables, Clothing and Personal Effects, S/N 0106-LF-016-4085

NAVPERS 1640/19 (Rev. 9-82), Initial Contact Sheet, S/N 0106-LF-016-4098

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PRETRIAL CONFINEMENT FACILITIES OPERATIONS

Enclosure (1)

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## PRETRIAL CONFINEMENT FACILITIES

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## CHAPTER 1

### POLICY

101. Applicability: All naval pretrial confinement facilities designated by the Secretary of the Navy as naval places of confinement per reference (a).

102. General

a. The mission of pretrial confinement facilities is to:

(1) Provide safe, clean, and secure confinement for personnel subject to the Uniform Code of Military Justice (UCMJ) who are awaiting trial or serving short term (up to 30 days) confinement due to disciplinary action.

(2) Support the maintenance of good order and discipline among Naval personnel.

(3) Provide orientation, classification, work, physical training, counseling, religious activity, legal service, medical attention, mail delivery, visiting opportunities, and individual and family support as appropriate.

b. Pretrial confinement facilities may be established in areas where: a brig is not readily accessible; the Navy needs pretrial and very short term post-trial confinement; the average number of detainees or prisoners does not justify more than 20 confinement spaces; and the full range of correctional programs provided by Navy brigs is not required.

c. Definitions

(1) Confinement. Is the physical restraint of a person, in a facility designated specifically for that purpose, and in which restraint is effected in part by use of special security features, including the locking of doors and accesses to the facility as set forth in reference (b). Navy pretrial confinement facilities are established by Secretary of the Navy (SECNAV) to provide facilities for carrying out the mission in paragraph 102a.

(2) Detainee. Person legally ordered into confinement per reference (c), RCM Rule 305, pending trial by court-martial or a rehearing.

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(3) Pretrial Confinement Facility. A specific detention facility within the command authorized by the Secretary of the Navy to carry out the mission set forth in paragraph 102a.

(4) Prisoner. Person held in confinement by sentence of court-martial or, in the case of "Bread and Water/Diminished Rations (BW/DR)" prisoners, imposition of nonjudicial punishment (NJP).

(a) Adjudged Prisoner. Persons confined by a court-martial sentence--neither deferred nor suspended--awaiting action by the convening authority.

(b) BW/DR Prisoner. Persons confined by court-martial or imposition of NJP, for a period not to exceed 3 consecutive days, who are attached to a ship and awarded a diet of bread and water or diminished rations. The amount of rations shall be as specified by Article 7103.2 of reference (a).

(c) Sentenced Prisoner. Adjudged prisoners who remain in confinement to serve their court-martial sentence after the convening authority has acted thereon.

(5) Confined Personnel (Confinees). All detainees and prisoners confined in the facility.

(6) Life Safety Discrepancies. Discrepancies that threaten human life or safety. Most such discrepancies occur in the fire protection or physical security areas.

### 103. Philosophy

a. Allowing for their legal status and security classification, persons in naval confinement shall be treated uniformly and in full accord with the provisions of the UCMJ. The major purpose of all confinement awarded in detention facilities, whether by court-martial or NJP, is the correction of the member's conduct and restoration of the member to constructive duty as soon as possible; prisoners not being restored should be transferred to a brig as soon as practicable after court-martial, allowing for defense counsel to complete appellate preparation procedures, normally 7-10 days.

b. Confined naval personnel retain all the rights and responsibilities of service personnel in a duty status except those which are expressly, or which follows as a logical consequence of imprisonment, taken away under the provisions of the UCMJ and those regulations as may be issued by competent authority.

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c. Discipline must be administered uniformly and on a corrective rather than a punitive basis.

104. Authority to Operate. A pretrial confinement facility is an authorized naval place of confinement. Authority to operate is by approval from the Secretary of the Navy via the Chief of Naval Personnel (Pers-84) initially, and by inspection by the major claimant annually thereafter. Requests for initial certification or closure shall be submitted via the chain of command to Pers-84. All requests shall include justification and the proposed date for beginning or ceasing operation.

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## CHAPTER 2

## PHYSICAL PLANT

201. General

a. Standards. At least two single occupancy confinement cells are required for segregation of problem prisoners/detainees and to provide separation of opposite sex confined personnel. Minimum inside dimensions and construction will conform to reference (b) for new construction, renovation, or alteration. Existing cells will be at least 6 feet wide, 8 feet long and 8 feet high. Multiple occupancy holding cells are authorized for very short term detention periods (up to 8 hours); in these, each detainee will be provided a minimum of 20 net square feet. Single cells as specified above, or dormitory spaces providing 72 square feet per prisoner/detainee, exclusive of head space, are authorized for confinement in excess of 8 hours.

b. Inspections. Pretrial confinement facilities will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

(1) Daily security and sanitation inspections shall be made by a senior member of the security staff.

(2) The facility will be inspected at least monthly by a member of the medical department to ensure the physical plant meets accepted health and environmental standards, and that detained personnel are provided adequate health services. A record of all inspections shall be entered in the facility's daily log.

c. Security. Refers to policies, procedures or equipment needed to operate an orderly and secure facility and to problems which present a danger to staff or confined personnel that may be immediately life threatening. Examples are:

- (1) locking devices/doors
- (2) valves and switches
- (3) electrical control/locking systems

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d. Habitability items include areas that are not normally safety or security threats. For example:

- (1) heat
- (2) light
- (3) ventilation
- (4) plumbing/heads/shower
- (5) furniture and lockers

202. Discrepancies. Physical plant discrepancies will be resolved as follows:

a. Life-safety and serious security discrepancies will be immediately corrected and no waiver or deferral will be granted except as provided by reference (a). All other discrepancies will be corrected no later than the next scheduled functional adequacy inspection; as required by Chief of Naval Personnel (CHNAVPERS) (Pers-84); or as required by the major claimant during the annual inspection. Waivers may be granted by the CHNAVPERS (Pers-84) as appropriate and will be based on compensatory operational procedures or other efforts that reduce the threat to the maximum extent possible, and on endorsements by the chain of command.

b. Habitability requirements should be corrected at the earliest possible time as funding and personnel permit.

c. Permanent waivers for other than life safety discrepancies will be granted only by the CHNAVPERS (Pers-84) and only in unusual circumstances.

203. Physical Plant Standards for Pretrial Confinement Facilities

a. Pretrial confinement facilities shall meet all current life safety criteria in accordance with reference (d).

b. New security standards issued in the future will be applicable as determined by the CHNAVPERS (Pers-84). Waivers may be requested where conformance to new regulations are not feasible or practical and the discrepancy is not a serious threat to the life safety of staff and confinees.

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## CHAPTER 3

## STAFF

301. General

a. Billet Titles. The following billet titles shall be utilized in all pretrial confinement facilities.

(1) Chief Petty Officer in Charge (CPOIC). The CPOIC is directly responsible to the commanding officer for the humane care, custody, discipline, safety, welfare and treatment of personnel in the facility.

(2) Administrative Counselor. The Administrative Counselor is directly responsible to the CPOIC, for correctional program activities, individual and group counseling, training, records keeping and other administrative tasks as directed.

(3) Security Specialist. Security Specialists may be responsible directly or indirectly to the CPO for the maintenance of good order and discipline, sanitation and the accountability and welfare of personnel confined in the facility.

302. Manning. Pretrial confinement facilities shall be manned with a minimum of one CPOIC (NEC 9575), one Administrative Counselor (NEC 9516) and 15 Security Specialists (NEC 9575).

303. Other Personnel. Other base or station staff may be trained locally and used as escorts. Qualified escorts will be issued a NAVPERS 1640/18, Prisoner Escort Identification Card.

304. Training

a. All personnel assigned permanent change of station (PCS) to billets designated to operate the pretrial confinement facility will be provided Corrections Specialist (NEC 9575) training en route.

b. Each facility shall maintain an effective pre-service and in-service training program. All staff members shall be qualified using the appropriate Corrections Specialist Job Qualification Requirements (JQR), prior to being assigned to a watch station.

305. Other

a. All personnel assigned shall meet the personnel assignment criteria of reference (a).

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b. Staff members shall wear standard military uniforms and maintain high standards of military appearance, physical fitness and military bearing.

c. In those cases where other services use the facility, they may be tasked to provide trained and qualified staff members in proportion to the number of personnel of that service confined. These staff members must meet the same qualifications as required for Navy staff. Management will be by Navy staff only.

d. A minimum of two qualified staff will be on duty and present when the facility is in use. One post shall be in the control center and function as the duty officer, the other in the cell or quarters area.

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## CHAPTER 4

## OPERATIONS

401. General

- a. Routine operational procedures will be per reference (a).
- b. Daily Schedule. The daily program and schedule may vary depending on the individual needs of the prisoners and detainees, but the schedule will provide for all work and program requirements specified in this instruction.

402. Facility Instruction

- a. The pretrial confinement facility will operate under local procedures, based on this instruction and reference (a), that includes procedures for:

- (1) Emergency bills
  - Fire and disaster
  - Riot and disorder
  - Escape/attempted escape
- (2) Others, as needed
- (3) Daily routine
- (4) Security procedures and searches
- (5) Use of force
- (6) Control and maintenance of keys, tools, and security equipment
- (7) Confined personnel rules and regulations
- (8) Staff rules and regulations
- (9) Post orders

- b. Confined personnel rules and regulations will address, as a minimum:

- (1) Rules regarding escape and disorder, obedience, safety and searches
- (2) Appearance, military courtesies and bearing

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- (3) Daily schedule
- (4) Emergency bills
- (5) Orientation
- (6) Smoking
- (7) Work
- (8) Counseling
- (9) Other programs
- (10) Mail, visiting, telephone
- (11) Disciplinary measures

403. Confinement, Release, Transfer

a. Procedures will be per reference (a).

b. All confinements will be documented by NAVPERS 1640/4, Confinement Order.

(1) Personnel under the influence of drugs and/or alcohol will not be confined for safekeeping.

(2) Emergency pretrial detention is permitted when there is reason to believe the individual is a danger to personnel or property. The order to confine may be oral or written per Rule 305, UCMJ. Required procedures will be accomplished immediately thereafter.

(3) Medical procedures will provide for a physical examination prior to confinement as set forth in reference (a).

c. Temporary release/work details will be documented using the DD Form 629, Receipt for Prisoner or Detained Person.

d. Permanent release from confinement will use the DD Form 367, Prisoner's Release Order.

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e. Transfers between pretrial confinement facilities and brigs will be accomplished using DD Form 629. The original NAVPERS 1640/4, with medical certification, and the current file for the confined personnel will be provided to the receiving facility upon transfer. The transferring unit may retain copies of key documents from the file to assist in responding to inquiries received following transfer.

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## CHAPTER 5

## PROGRAMS

501. Reception. The detainee reception phase shall be accomplished during the first workday after confinement, and, during the initial interview the following topics should be covered:

- a. Purpose of the detention facility
- b. Rules and regulations
- c. Chain of command
- d. Work assignments
- e. Daily routine
- f. Interviews and request chit process
- g. Mail and visiting
- h. Emergency bills
- i. Health and comfort items
- j. Telephone use

502. Classification. NAVPERS 1640/20, Assignment of Initial Custody Classification will be medium-in until further custody classification is performed. Maximum custody will be assigned when warranted. Objective Reclassification will use NAVPERS 1640/21.

503. Individual Counseling

a. The counselor will conduct the initial interview of the detainee during the first 24 hours of confinement. This interview should be geared toward ascertaining background information, discussing reception topics and answering questions as well as observing the detainees/prisoners mental status and basic well being. After the initial interview each detainee/prisoner shall be interviewed by the counselor in a one-on-one session at least weekly and these sessions should last for a 1/2 hour or longer.

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b. At the conclusion of an initial counseling session, the correctional counselor shall complete DD Form 1476, the Prisoner Admission Classification Summary Data for the prisoner/detainee. Upon conclusion of each follow-up individual counseling session, the correctional counselor will record his or her impression of the session, subject matter and progress made on DD Form 1478, Prisoner Summary Continuation Sheet. In addition, the counselor shall record the time the session commenced and terminated on these forms.

504. Physical Training. Personnel confined or assigned to a detention facility shall perform physical training in accordance with the program contained in OPNAVINST 6110.1D.

505. Recreation. All prisoners/detainees shall have access to physical and non-physical recreation activities after workday has been completed.

506. Work. All prisoners/detainees shall be employed in a work schedule that is at least as arduous as the average sailor at sea, i.e., full workday 6 per week. Prisoners may be worked outside the security perimeter of the facility when their custody reclassification is medium-out or minimum.

507. Other Programs. Reliance on base support for counseling of substance abuse referral and other needed services is encouraged.



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## CHAPTER 6

## RECORDS AND REPORTS

601. General. Accurate records must be established and maintained as a part of the daily operation of a pretrial confinement facility.

602. Records

a. The following forms and logs are to be maintained:

(1) Facility log. The facility log is a permanent daily record of the operation of the facility maintained at the control center.

(2) Medical log is a permanent record of medical activity, visits, and medication.

(3) NAVPERS 1640/12, Daily Report of Prisoners Received and Released.

(4) Disciplinary log, visitor log, key log and privileged correspondence log.

b. Prisoner/Detainee File. The following records, when used, will be maintained in a prisoner/detainee file. (An asterisk (\*) denotes applicable requirements for Bread and Water prisoners.)

\*(1) NAVPERS 1640/4, Confinement Order

(2) Court-Martial Order

(3) Results of Trial letter

(4) DD 629, Receipt for Prisoner or Detained Person

\*(5) DD 367, Prisoner's Release Order

\*(6) NAVPERS 1640/19, Initial Contact Sheet for all confined personnel

(7) NAVPERS 1640/10, Work and Training Report

(8) NAVPERS 1640/13, Prisoner/Awardee Evaluation Report

(9) NAVPERS 1640/9, Disciplinary Report

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(10) NAVPERS 1640/8, Conduct Record

\*(11) NAVPERS 1640/17, Inventory and Receipt of Valuables, Clothing and Personal Effects

\*(12) DD 509, Inspection Record of Prisoner in Segregation

(13) DD 504, Request and Receipt for Health and Comfort Supplies

c. Funds and Valuables. Processing the funds and valuables of confined personnel will be in accord with reference (a) and specified in the facility instruction.

d. Personal Property. Procedures for processing personal property will be in accord with reference (a) and specified in the facility instruction.

603. Incident Reports. Intended to keep higher authority informed of events which could result in embarrassment to the Naval Service or focus attention on the confinement facility in question, these reports shall be submitted as follows:

a. Reports will be submitted as RCS JCS-FM (3501), Unit Situation Reports (UNIT SITREP) or OPREP-3 Navy Blue Reports, whichever is appropriate, in compliance with OPNAVINST 3100.6F (NOTAL).

b. The following type incidents or alleged incidents shall be reported:

- escape, attempted escape
- death of confined person
- suicide, or attempt, by confined person
- mass strike or disruptive action
- incidents with racial overtones
- incidents of maltreatment or abuse of confined

persons

- other incidents which could result in embarrassment to, or focus public attention on, the confinement facility or the United States Navy.

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DETENTION SPACE AND HOLDING CELL OPERATIONS

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Enclosure (2)

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## CHAPTER 1

## POLICY

100. General. Detention facilities are shore spaces that are used only to temporarily detain personnel apprehended by military authorities, or turned over to the military by civilian authorities. Authority to arrest/confine is listed in Article 7201 of reference (a). Personnel should be detained/confined in detention spaces and holding cells only for short periods of time, as defined in Article 2101 of reference (a), and should be transferred to the nearest brig or pretrial confinement facility as soon as it is feasible. The use of detention facilities requires the selected application of the provisions of reference (a). The following chapters are provided to clarify the requirements of reference (a) as they apply to detention spaces and holding cells. With the exception of the clarifications presented in the following chapters, the articles of reference (a) shall be strictly applied to detention spaces and holding cells.

Enclosure (2)

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## CHAPTER 2

## PHYSICAL PLANT

201. Authorization. Detention spaces and holding cells shall be made operational only when they have been authorized as being necessary by the senior officer in the area.

202. Number and Location. The number of detention spaces and holding cells required by an activity depends upon the population served; however, at least two usable cells will normally be available in each detention facility in order to provide segregation for males and females. Where possible, cells should be located near the security watch desk, but sufficiently removed so as not to hamper normal operation or be accessible to casual visitors. Cells should not be located below ground level nor in upper stories requiring the use of stairs.

203. Other Facilities

a. Military. The detention facilities of another service may be utilized, if that service agrees and if such facilities meet the standards prescribed herein for naval detention facilities.

b. Civilian. If military facilities are not available, personnel may be detained in civilian facilities utilized by the U.S. Department of Justice. The nearest U.S. Marshal will have a list of these facilities. Use of civilian facilities must be justified by attendant circumstances, and all expenses incurred must be borne by the command placing the person in the civilian facility. If a civilian confinement facility is used, approval must be obtained from the second echelon commander within 48 hours of confinement in order to continue confinement in the civilian facility.

204. Size. Single occupancy detention cells are required for detention in excess of 8 hours. Minimum inside dimensions and construction will conform to reference (b) for new construction, renovation, or alteration. Existing cells will be at least 6 feet wide, 8 feet long and 8 feet high. Multiple occupancy holding cells are authorized for very short term detention periods (up to 8 hours) and each detainee will be provided a minimum of 20 net square feet in these cells.

205. Materials and Equipment. If a closed circuit television is installed, it should use an oscillating camera, to prevent burning an image on the television screen. Otherwise, the provisions of Article 2209.11 of reference (a) apply.

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206. Inspections. Detention facilities will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

a. Daily security and sanitation inspection of the detention facility shall be made by a senior member of the security staff.

b. The detention facility will be inspected at least monthly by a member of the medical department to ensure the operation of the facility and the physical plant meet accepted health and environmental standards, and that detained personnel are provided adequate health services. A record of all inspections shall be entered in the detention facility's daily log.

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## CHAPTER 3

## STAFF

301. Staffing. Personnel will be closely supervised, during the time they are in detention by qualified and trained staff. In the event of detention in excess of 8 hours, a security bunk and appropriate bedding shall be used. It is desirable that the detention cell be so located that continuous supervision from the security watch desk is possible. If not, a security supervisor shall be stationed in the cell area. A cell check of detained personnel shall be made at least once each 30 minutes, and recorded on the DD Form 509. These checks shall be continuous or at shorter intervals if the situation demands (e.g., suicide alert). No person shall enter occupied detention cells or remain in their immediate proximity wearing firearms, nightsticks, or other weapons.

302. Training. Personnel assigned to supervise a detention facility will complete training as specified by the Chief of Naval Personnel. If short term detainees are to be supervised by personnel from their division, the detention facility staff will instruct these supervisors in detention cell supervision, and will provide them with written post orders.

303. Force. No individual will be permitted to supervise a detention facility until he/she has received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction will be given periodically to all personnel assigned to these duties to ensure that they continue to be thoroughly familiar with all restrictions on the use of force.

Enclosure (2)



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## CHAPTER 4

## CONTROL

401. Violent Detainees. If an individual becomes violently aggressive, or suicidal, instruments of restraint may be used in accordance with reference (a). Such actions shall be reported immediately to the commanding officer, medical officer, or command duty officer. Under no circumstances may an individual be chained, handcuffed, or tied to any cell fixture, or stationary object.

402. Emergency Measures. Detailed emergency bills will be prepared to ensure the safety of detainees in the event of fire, suicide attempt, disorder, or other emergencies. First aid kits and fire extinguishers shall be located so as to be accessible in the event of an emergency, but not immediately adjacent to a cell.

403. Force. Use of force will conform to Articles 3402, 4402, 4403 and 4404 of reference (a).

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CHAPTER 5

PROGRAMS

500. Programs. If detainees are to be confined for longer than 24 hours, one hour of physical exercise will be provided daily. Scheduling will depend upon the availability of supervisors and secure space for the exercise.

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CHAPTER 6

RECORDS

601. Log. A detention facility log shall be maintained as outlined in Article 8104 of reference (a). When an individual is placed in detention, the log will reflect the reason for, the date and time of detention, and the name and grade of the person ordering the detention.

602. File. An abbreviated file shall be kept for 2 years on each person confined in a detention cell. The file will contain the following records:

- a. NAVPERS 1640/4, Confinement Order or DD Form 1569, Incident/Complaint Form.
- b. DD Form 509, Inspection Record of Prisoner in Segregation.
- c. NAVPERS 1640/17, Prisoner Inventory and Receipt.
- d. DD Form 367, Prisoner Release Order or DD Form 629, Receipt for Prisoner or Detained Person.

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## CHAPTER 7

## DETENTION/RELEASE/TRANSFER

701. Detention. Persons may be detained only if there has been a violation of the UCMJ. Under no circumstances may an individual be placed in detention for "protective custody", "safekeeping", or any other such general charge when no violation of the UCMJ is indicated. See Article 7102 of reference (a). Court Martialed personnel should not normally be placed in detention cells with detainees.

a. Authorization. No person shall be confined in a detention facility without a properly executed NAVPERS 1640/4, Confinement Order or DD Form 1569, the Arresting Officer's Incident/Complaint Form. A Confinement Order is required when detention exceeds 24 hours.

b. Medical Examination. If an individual appears to be ill, or exhibits an abnormal loss of control because of suspected or actual use of alcohol, marijuana or other drugs, they shall be examined by medical personnel and certified as being fit for confinement prior to being placed in detention. Otherwise, a person may be detained in a detention facility for up to 24 hours before a medical examination. No person shall be detained beyond 24 hours without a medical examination as prescribed in Article 7205 of reference (a). Any suspicion or detection of alcohol or other narcotics will be entered in the facility's log by the detention facility supervisor at the earliest time of suspicion or detection.

c. Length of Detention. Detention shall not exceed 24 hours, except in unusual circumstances, and then only with the express approval in each instance of the commanding officer of the installation where such facility is located, or his/her designated representative. An individual shall not remain in detention more than 72 hours except in an emergency, nor may an individual be placed in detention for 72 hours, taken out, and then returned on the same charges. See Article 2101.3 of reference (a).

d. Pretrial and/or post-trial personnel may be confined in a detention space for more than 72 hours under the following conditions:

(1) When an individual has been sentenced to confinement by a court-martial, and is pending transfer to a confinement facility.

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(2) When an individual has been placed in confinement in a confinement facility, and is moved to, and confined in, a detention facility, for the purpose of appearing as a witness or as the accused in a court-martial proceeding.

(3) When a general court-martial authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a brig. After trial, if the sentence as adjudged includes confinement, the member shall be transferred to a confinement facility within 72 hours. The written permission of either the installation commanding officer or the general court-martial authority, as appropriate, must be obtained before an individual can be held for more than 72 hours in a pretrial confinement status in a detention facility. Time spent in a detention facility under these circumstances is considered and counted as pretrial or post-trial confinement, as appropriate.

e. Persons of either sex may be confined in a detention facility as long as the conditions of Article 7103.2 of reference (a) are followed.

f. Detention cells will not be used to confine persons under the influence of alcohol or narcotics, except for brief periods of time (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During such brief periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons.

702. Release. On release from detention, all money, valuables, and other personal property taken from the detainees will be returned and receipted for by the owner. If the detainee is released to the custody of another person, that person will sign a DD Form 629 (Receipt for Prisoner or Detained Person) and will sign for the personal property envelope. A detainee released to his/her own cognizance shall be directed to return to his/her unit, or other appropriate command, after being issued a NAVPERS 1626/7, Report of Disposition of Offense(s) where necessary. An entry shall be made in the log to reflect the date and time of release, and the disposition of the detainee. One copy of the Technical Arrest Order (TAO), (DD Form 629) or DD Form 367 as appropriate, and the receipt for personal property shall be retained on file for 2 years by the unit operating the detention facility.

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703. Transfer. A DD Form 629 (Receipt for Prisoner or Detained Person) will be used for all transfers from detention facilities to other confinement facilities. The following records will be transferred with detainee:

- a. NAVPERS 1640/4, Confinement Order
- b. DD Form 504, Request and Receipt for Health and Comfort Supplies
- c. DD Form 509, Inspection Record of Prisoner in Segregation
- d. A copy of court-martial orders designating a confinement facility as the place of confinement.

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## CHAPTER 8

## ADMINISTRATIVE MATTERS

801. Processing. Personnel shall be thoroughly searched before being placed in detention. Money, valuables, and personal property (other than individual clothing and wedding rings) shall be taken from the individual, inventoried, and secured in a manner similar to procedures set forth in Articles 8203 and 8204 of reference (a). Items which could be used to inflict bodily injury, such as belts, shoelaces, neckties, or suspenders may be taken from the detained person if deemed necessary by the detention facility supervisor.

802. Incidents. Serious incidents or alleged incidents involving detainees shall be reported immediately to the Chief of Naval Personnel (CHNAVPERS) (Pers-84). See Article 8115.2 of reference (a).

Enclosure (2)